

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Daniel Lee Hecker,)	C/A No. 0:09-544-JFA-PJG
)	
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
Southern Health Partners; Cathy Brown, Head)	
Nurse; Aiken County Maintenance; Kenneth)	
Green, Supervisor,)	
)	
Defendants.)	
)	

The *pro se* plaintiff, Daniel Lee Hecker, brings this action pursuant to 42 U.S.C. § 1983. The Magistrate Judge assigned to this action¹ has prepared a Report and Recommendation wherein he suggests that this court should dismiss the action for lack of prosecution pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The Magistrate Judge notes that the plaintiff meets all the criteria for dismissal under *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919 (4th Cir. 1982). The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was advised of his right to file objections to the Report and Recommendation, which was entered on the docket on August 14, 2009. However, the

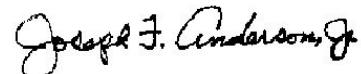
¹ The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

plaintiff did not file any objections² to the Report within the time limits prescribed.

Additionally, the court's order advising the plaintiff of the importance of responding to the defendants' motion for summary judgment was not responded to by the plaintiff.

After a careful review of the record, the applicable law, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation proper and incorporated herein by reference. Accordingly, this action is dismissed *with prejudice* for lack of prosecution pursuant to Rule 41(b).

IT IS SO ORDERED.



Joseph F. Anderson, Jr.
United States District Judge

September 2, 2009
Columbia, South Carolina

² Under 28 U.S.C. § 636(b)(1), the district court is obligated to conduct a *de novo* review of every portion of the Magistrate Judge's Report to which objections have been filed. The court reviews the Report only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005). *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to timely file specific written objections to the Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985).